

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION**

**Meeting #1620  
October 9, 2012**

**\*\*\*\*\*Draft Document – Subject to Commission Approval\*\*\*\*\***

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:00 P. M. by Vice Chairman Gowdy.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members (Devanney, Gowdy, Sullivan and Thurz) and one Alternate Member (Zhigailo) were present. Chairman Ouellette was absent. Vice Chairman Gowdy noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

Also present was Town Planner Whitten.

**GUESTS:** Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dick Pippin, Selectmen; Kathy Pippin, Board of Finance.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:** None.

**PUBLIC PARTICIPATION:**

Kathy Pippin suggested the Commission is doing a great job.

**APPROVAL OF MINUTES/September 25, 2012:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1619 dated September 25, 2012, with the following amendment:  
Page 2, RECEIPT OF APPLICATIONS/2) “Application of Ryan Conway (Shamrock Motors) and owner LCC Partnership for a Modification of Site Plan to expand a used car sales and display at 175 186 South Main Street.....”

Devanney moved/Thurz seconded/VOTE: In Favor: Unanimous

**RECEIPT OF APPLICATIONS:** None.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE: Bank of Western Massachusetts** – Request from Timothy A. Coon, J. R. Russo & Associates for a one-year extension of the Site Plan Approval for the construction of a bank with drive-through and associated improvements at 49 Prospect Hill Road. (Previous extension granted through 10/10/2012):

Vice Chairman Gowdy read the description of this Item of Business. He noted receipt of letter dated 9/24/2012 from Tim Coon, of J. R. Russo & Associates, LLC.; Commissioner Devanney read the letter for the record, noting Mr. Coon is requesting a one year extension for the subject Application. Vice Chairman Gowdy also noted receipt of memo dated 10/9/2012 from Town Planner Whitten regarding this request. Commissioner Devanney questioned how many extensions can the Applicant receive? Town Planner Whitten indicated that based on the Connecticut General Statute extensions can be granted up to 10 years.

**MOTION to Approve a one year extension to start construction for the Application of the Bank of Western Massachusetts and owner 53 Prospect Hill Road, LLC requesting a site plan approval for the construction of a 4500 sq. ft. bank with drive through, and associated improvements at property located at 49 Prospect Hill Road, Assessor's Map 92, Block 13, Lot 13. Extension to start construction will expire 10/10/2013.**

**Devanney moved/Thurz seconded/VOTE: In Favor: Unanimous**

**CONTINUED PUBLIC HEARINGS: Leonard J. Norton, P.E., Director of Public Works** - Special Use Permit for stockpiling of construction materials at Town Public Works Facility, 6 Woolam Road, owned by the Town of East Windsor, for use on Town maintenance/construction projects. [A-1 zone; Map 44, Block 34, Lot 1] (*Tabled until 10/23/2012*):

Vice Chairman Gowdy noted this Application has been tabled until the Commission's October 23<sup>rd</sup> Meeting.

No continuation motion necessary.

**NEW BUSINESS: Eric C. James** – Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen. [M-1 Zone; Map 92, Block 17, Lot 32]. (*Deadline for decision 10/18/2012*):

Vice Chairman Gowdy read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC, and the Applicant, Eric James. Dean Rasmussen, the property owner, was present in the audience.

Mr. Ussery noted they appeared before the Commission two weeks ago; issues were raised regarding the front area which would provide display parking for Mr. James. Mr.

Ussery indicated the front area is under a lease with the Department of Transportation (DOT); the Applicant is waiting for the State to sign the lease, which is presently considered by the Town to be not executed. Mr. Ussery indicated they have put together a plan reflecting the current uses, and applicable parking allocations. Mr. Ussery has color-coded the rental spaces to assist with easier identification. Mr. James would occupy the area in the rear shown in red; Heavy's occupies the area to the left shown in green. Occupying space in the front are Racers – shown in orange, and Littco Supplies – shown in blue; Advanced Coating occupies a space in the basement – shown in dark green. Mr. Ussery then identified parking spaces allocated to each business.

Mr. Ussery indicated Mr. James would be allocated 2 display parking spaces in front; additional parking would be assigned in the rear, including spaces in front of an overhead door with loading dock. Mr. Ussery suggested Town Planner Whitten has raised concerns regarding the spaces shown in front of the overhead door and loading dock. They are providing a standard (access) aisle width in excess of 24' all around the building to the rear and around Heavy's. Mr. Ussery indicated tenants are not presently parking in assigned spaces; he visited the site today and couldn't get through. Mr. Ussery indicated the Fire Marshal has expressed concerns regarding the fire lanes. She seemed to think there was a previous plan which reflected fire lanes which should have been marked already, but Mr. Ussery was unable to find such plans in his files. Mr. Ussery felt the fire lanes could easily be striped during compliance with this Site Plan.

Mr. Ussery indicated several of the front parking spaces are currently used by Littco and Racers; 3 front spaces are used by the tenant in the basement space. Mr. Ussery suggested when the lease with DOT is signed they will return with a Site Plan Modification.

Mr. Rasmussen, speaking from the audience, suggested the lease is being charged; although he could understand the Commission's preference to see a signed document Mr. Rasmussen indicated they have correspondence that the lease is in effect. Mr. Rasmussen concurred that most of the front parking is on State property. Mr. Ussery noted Mr. Rasmussen has met with each of the tenants to discuss their assigned parking spaces. The tenants have signed off on a plan reflecting those assigned spaces which Mr. Ussery is submitting to the Planning Department.

Mr. Ussery reiterated they will return with a Site Plan Modification, however, approval of the current Site Plan requires a waiver for parking in front of the loading dock which is included in Mr. James tenant space. He noted there is another loading dock with overhead door which is currently used by Littco; Mr. Ussery referenced the location on the Site Plan.

Commissioner Devanney questioned how many parking spaces are now being proposed? Town Planner Whitten suggested 45 spaces were originally proposed; that has been reduced to 39 based on Mr. Ussery's presentation. Town Planner Whitten clarified that under Section 601.3(f) of the Zoning Regulations it specifies that "no required parking

space shall also be used as a loading space.” If the Commission is convinced this area could be used for parking that regulation needs to be waived by a  $\frac{3}{4}$  vote of the Board. Mr. Ussery suggested that the proposed spaces assigned to Mr. James are in addition to the spaces for Littco, and not included in the parking calculations.

Commissioner Thurz suggested it was a good idea to stripe the fire lane. Mr. Ussery concurred, noting it should be striped on both sides of the building. Town Planner Whitten indicated she had recently visited the site and could barely get through with her vehicle.

Discussion returned to parking spaces utilizing the DOT right-of-way. Town Planner Whitten suggested the problem is that statutorily, and to be able to comply with the Town’s regulations, the Commission can’t approve something on someone else’s property without their permission, even though people are using the space. Mr. Rasmussen suggested they were looking to accommodate a business which would be paying taxes. Town Planner Whitten reiterated the front parking spaces are shared spaces. The fact that you can show a plan with parking assigned to each tenant helps; if this Application gets approved Staff can go to the tenants with the signed plan to discuss violations.

Commissioner Thurz questioned that when the front parking gets approved will the back parking be striped? Town Planner Whitten suggested her recommendation is that the areas be striped as reflected on the Site Plan as should have been done previously. Commissioner Thurz queried if the striping was required during the last approval? Town Planner Whitten felt that it was.

Town Planner Whitten noted the Chairman Ouellette had suggested at the previous meeting that you consider closing the curb cut off Newberry Road to provide more parking; she questioned if they have thought about that suggestion? Mr. Ussery felt it was a wide curb cut because there are doors and loading docks in that area and this entrance allows trucks to back up to the building. Town Planner Whitten suggested it appeared that on the west side the curb cut could be closed and still provide room for trucks to back up. No commitment was made to close the curb cut.

Commissioner Thurz reiterated he would like to see the entire site striped, and the fire lanes striped, and the parking space assigned to Mr. James near the loading dock removed from the Site Plan. Vice Chairman Gowdy agreed with Commissioner Thurz. Mr. Rasmussen objected, noting that is part of Mr. James lease space; he is paying for that space; he should be able to use it for his own car. Mr. Rasmussen felt Mr. James should be able to use the space. Commissioner Devanney suggested not showing/assigning the space as a display space. Town Planner Whitten questioned if Mr. Ussery had included that space in his parking calculations? Mr. Ussery replied negatively. Town Planner Whitten suggested then that space was not a required space; she requested the space be shown as a parking space, not a display space. Commissioner Thurz suggested he could live with that; Vice Chairman Gowdy concurred. Commissioner Thurz reiterated the

parking lot striping should be put in; Commissioner Sullivan suggested he had no problem with that.

The Commission discussed revisions to the proposed conditions of approval.

**MOTION TO APPROVE the Application of Eric C. James representing CT Hot Wheels and owners Dean & Caren Rasmussen requesting site plan approval for a used vehicle sales facility to be located at 38 Prospect Hill Road, in the M-1 Zone. Map 92 Block 17, Lot 32**

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This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

**Referenced Plans:**

- Sheet 1 of 1 - "Location and Layout Plan prepared for CT Hot Wheels,, 38 Prospect Hill Rd, Rte 5 East Windsor CT Map 92, blk 17 Lot 32 zone M-1 prepared by JR Russo & Associates LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623-2485 fax scale 1" = 30' dated 8/27/09 , REV 9/20/12

**-Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

**Conditions which must be met prior to the issuance of any permits:**

3. One set of final plans, and one set of mylars with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

**Conditions which must be met prior to certificates of compliance:**

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

8. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
14. All approved spaces will need to be striped on the parcel (Ch 601.3.e)

**Additional Condition:**

15. Fire lane striping must be striped.

**Devanney moved/Thurz seconded/VOTE: In Favor: Unanimous**

**NEW BUSINESS: Ryan Conway, Shamrock Motors** – Modification of Site Plan to expand a used car sales and display at 186 South Main Street, owned by LCC Partnership. [B-2 Zone; Map 32, Block 5, Lots 76 & 76A] (*Deadline for decision 11/29/2012*):

Vice Chairman Gowdy read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates. Mr. Ussery described the Application as being for an expansion of existing parking at Shamrock Motors, which is located on Route 5 across from the intersection of Stoughton Road. The original license area was a rectangle around the building, which is owned by Southern Auto Sales (SAS). The surrounding area was an inventory area for SAS. SAS's business has changed; the need for inventory is less than in previous years. Shamrock Motors would like to like to lease more of SAS's area; the Zoning Board of Appeals has recently approved that expanded license area.

Mr. Ussery noted the Site Plan has been revised to reflect the parking/display area need by Shamrock Motors. They are providing 24' wide aisles between the parking spaces. Twenty-nine (29) display spaces will be shown in front; customer parking will be around the building; a storage area will be shown in the back. Zoning Regulations require 20 paved parking spaces based on the building square footage; they are showing 31 spaces, which include the spaces around the building. They are allowing a 30' wide access drive from South Main Street to the back of the property in case SAS wants to reinstate the inventory space again.

Mr. Ussery felt this dealership is probably one of the better dealers with regard to compliance for parking. He suggested some of that is due to control by this landlord.

Commissioner Thurz questioned that no lighting is proposed. Mr. Ussery indicated this dealer isn't open at night. Commissioner Devanney questioned that the dealer isn't concerned with theft or vandalism? Mr. Ussery replied negatively. Commissioner Sullivan questioned if the inventory area was enclosed in a fence? Mr. Ussery indicated the lot is fenced in the back and on the south side but the fence and gate in front have been removed.

Vice Chairman Gowdy questioned that there was no landscaping provided in the front area; he felt landscaping would prevent parking in front. Mr. Ussery noted there is no landscaping at the site presently. Discussion followed regarding space for landscaping, and potential landscaping materials. Town Planner Whitten referenced a 2002 aerial which included landscaping in the front area. Mr. Ussery felt it may have been damaged during last year's storm and removed; lawn has now been planted in that area. Town Planner Whitten suggested low plantings and a low fence would be appropriate; Staff approval could be a condition of approval. Mr. Ussery agreed.

**MOTION TO APPROVE the Application of Ryan Conway, and owner LCC Partnership, requesting a site plan approval for expansion of a used**

**car sales operation to be located on the front third of the property located at 186 South Main Street (Map 32, Blk 5, Lot 76A).** This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

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**Referenced Plans:**

Site Plan prepared for Shamrock Motors, LLC, 186 South Main Street, East Windsor CT, Map 33, Blk5 Lot 76, Zone B-2 prepared by JR Russo and Assoc., LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 ; 860/623-2485 fax scale 1" = 40' dated 3/19/10, revised 9/13/12

**Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

**Conditions which must be met prior to the issuance of any permits:**

3. Two sets of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

**Conditions which must be met prior to certificates of compliance:**

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.



7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

8. In accordance with Chapter 900.3 of the Zoning Regulations, and by these conditions, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
14. Landscaping and/or fencing along front to be approved by Staff and amended on final plan.

**Devanney moved/Thurz seconded/VOTE: In Favor: Unanimous**

**OTHER BUSINESS:** None.

**BUSINESS MEETING/(1) Staff Reports – discussion on Adult Regulations:**

Town Planner Whitten reported she has been reviewing potential existing locations, and continues to work on draft regulations.

**BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions:** None.

**ADJOURNMENT:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Meeting #1620 – October 9, 2012**

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**MOTION: To ADJOURN this Meeting at 7:50 p.m.**

**Devanney moved/Sullivan seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(3512)